

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In the matter of:
ORBIT ENERGY & POWER, LLC,

Debtor

ANDREW FINBERG, Chapter 7 Trustee,

Plaintiff(s)

Case No. 22-19628(ABA)

v.
CADILUS, INC.,

Adversary No. 23-

Defendant(s)

Judge: Andrew B. Altenburg

**SUMMONS AND NOTICE OF PRETRIAL CONFERENCE
IN AN ADVERSARY PROCEEDING**

YOU ARE SUMMONED and required to submit a motion or answer to the complaint which is attached to this summons to the clerk of the bankruptcy court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall file a motion or answer to the complaint within 35 days.

Address of Clerk	United States Bankruptcy Court U.S. Post Office and Courthouse 401 Market Street Camden, NJ 08101
------------------	--

At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorney.

Name and Address of Plaintiff's Attorney	E. Richard Dressel, Esquire Lex Nova Law LLC 10 E. Stow Road, Suite 250 Marlton, NJ 08053
---	--

If you make a motion, your time to answer is governed by Fed.R.Bankr.P. 7012.

YOU ARE NOTIFIED that a pretrial conference of the proceeding commenced by the filing of the complaint will be held at the following time and place.

Address Mitchel H. Cohen U.S. Courthouse 400 Cooper Street, 4th Floor Camden, NJ 08101	Courtroom: 4B Date and Time:
---	-------------------------------------

IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

Jeanne A. Naughton, Clerk

Date: _____

By: _____
Deputy Clerk

rev. 1/4/17

Pursuant to D.N.J. LBR 9019-2, Mediation: Procedures, there is a presumption of mediation in all adversary proceedings. For more information regarding the mediation program see the related Local Rules and forms on the Court's web site: njb.uscourts.gov/mediation.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Case No.: 22-19628(ABA)

Adv. No.: _____

The pre-trial conference in this matter has been scheduled for:

Date: _____

Time: _____

Courtroom: 4B

Address: Mitchel H. Cohen U.S. Courthouse
400 Cooper Street, 4th Floor, Camden, NJ 08101

**PLAINTIFF SHALL SERVE ALL PARTIES WITH A COPY OF THESE INSTRUCTIONS,
THE PROPOSED *JOINT ORDER SCHEDULING PRETRIAL PROCEEDINGS AND TRIAL* AND
MEDIATION ORDER WHEN SERVING THE SUMMONS AND COMPLAINT.**

All parties are directed to exchange initial discovery under Fed. R. Civ. Proc. 26(a) within 14 days of the date the answer is filed.

**There is a presumption of mediation in all
Adversary Proceedings**

MEDIATION ORDER - The parties must submit, at least three (3) days prior to the pretrial conference, a proposed *Mediation Order*, in the attached form.

JOINT ORDER SCHEDULING PRETRIAL PROCEEDINGS AND TRIAL - The parties must submit, at least 3 days prior to the pretrial conference, a *Joint Proposed Scheduling Order* in the attached form, establishing a discovery and pretrial motion schedule, and an estimated length of trial. The court will fix a trial date.

**Attendance at the pretrial conference is REQUIRED
if the parties fail to submit both of the above orders.**

Under D.N.J. LBR 9019-2 (a)(3), a party seeking to be excused from mediation, or a determination from the court that mediation should not proceed, or otherwise raise an objection to mediation, may file a motion. The motion shall be filed with the Clerk of the Bankruptcy Court, and shall be served on all parties to the adversary proceeding. The motion shall be considered at the pretrial conference.

**THE PLAINTIFF'S FAILURE TO TIMELY FILE A REQUEST TO
ENTER DEFAULT, IF AN ANSWER HAS NOT BEEN FILED, MAY RESULT
IN DISMISSAL FOR LACK OF PROSECUTION AT THE PRE TRIAL CONFERENCE.**